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Broadcasting Rules Committee

Television Standards and Rules

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PREAMBLE

Sections 24 and 95 of the Broadcasting Act 1976 set out the responsibilities of the Broadcasting Corporation of New Zealand and the Independent Broadcasters Association to maintain in their programmes and their presentation standards which will be generally acceptable in the community and in particular have regard to —

- (a) The provision of a range of programmes which will cater in a balanced way for the varied interests of different sections of the community:
- (b) The need to ensure that a New Zealand identity is developed and maintained in programmes:
- (c) The observance of standards of good taste and decency:
- (d) The accurate and impartial gathering and presentation of news, according to recognised standards of objective journalism:
- (e) The principle that when controversial issues of public importance are discussed, reasonable efforts are made to present significant points of view either in the same programme or in other programmes within the period of current interest:
- (f) The maintenance of law and order:
- (g) The privacy of the individual.

Part I of the Broadcasting Regulations 1977 establishes a Broadcasting Rules Committee and prescribes its membership. The members are: The Secretary of the Corporation (Chairman), the Director-General of each Service and, in terms of the Broadcasting Amendment Act (No 2) 1982, one or more representatives of the Independent Broadcasters Association and one or more representatives of any private broadcaster holding a television warrant or a television programme warrant. The committee has power to co-opt.

In approaching the task of preparing these rules and standards, the committee has been well aware that it cannot legislate good broadcasting into being, either by prohibitions or prescriptions. The quality of broadcasting in New Zealand is seen as being very much in the hands of the broadcasters themselves. The standards they aim at, and the degree of self-discipline they impose on themselves, will more than anything else dictate the nature of the end product. One way in which their self-discipline

can express itself is by the manner of their approach to rules, and in particular by their willingness to carry out the spirit as well as the letter of any rule. The rules and standards are regarded by the committee as being the current expression of the tradition of acceptable broadcasting conduct that has been progressively developed over several decades.

Amendments

This reprinting of the television rules incorporates changes made since the 1978 printing and the 1982 and 1984 reprinting, as notified in circulars issued since then. The changes relate to the former programme rules 2.4, 5.1(a), 5.1(h), 6.5, 6.11, 8.1 and 8.2 and former advertising rules 1.3, 1.5, 1.8, 1.9, 1.10, 1.11, 1.11.3(b), 1.13, 1.17, 1.18, 2.2(d) and 2.2(e). There are major changes in Appendix B. The amendments have been endorsed by the Broadcasting Corporation of New Zealand and the Independent Broadcasters Association.

PROGRAMME RULES

1. General Standards

- 1.1 In the preparation and presentation of programmes, broadcasters are required —
- (a) To be truthful and accurate on points of fact:
 - (b) To take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs:
 - (c) To be mindful of the effect any programme may have on children during their generally accepted viewing periods:
 - (d) To acknowledge the right of individuals to express their own opinions:
 - (e) To deal justly and fairly with any person taking part or referred to in any programme:
 - (f) To respect the principles of law which sustain our society:
 - (g) To show balance, impartiality and fairness in dealing with political matters, current affairs, and all questions of a controversial nature:
 - (h) To avoid the use of any deceptive programme practice which takes advantage of the confidence viewers have in the integrity of broadcasting:
 - (i) To encourage and try to increase the production of New Zealand programmes.

2. Specific Requirements

- 2.1 Programmes dealing with violence and horror should observe the guide-lines laid down in Appendix A.
- 2.2 Care should be taken in depicting items which explain the technique of crime in a manner which invites imitation.
- 2.3 Editorials stating the opinion of the warrant holders on political and religious matters, on industrial disputes and on matters of public controversy are not permitted.

2.4 All contests shall conform with the Gaming and Lotteries Act 1977 and there must be no collusion between broadcasters and contestants which results in the favouring of any contestants over others.

2.5 No telephone conversation with a member of the public is to be broadcast without that person's permission; the person concerned should be warned if a conversation is to be recorded for possible broadcast.

3. Medical Programmes

3.1 Medical advice shall be presented only by persons with certified qualifications in the field concerned.

3.2 Where a person is entitled to use the word doctor, professor, etc., before his name, an indication of his professional qualifications should be given.

3.3 Quotations from medical or professional works must not be given a false or qualified meaning by being taken out of their original context.

3.4 Advertisement Rule 1.9 should be noted.

4. New Zealand Programmes

4.1 A New Zealand programme is any one which has not been purchased from overseas in finished form. The responsibility of the Corporation in relation to New Zealand programmes is set out in Section 24 (1) (b) of the Broadcasting Act 1976, which is quoted in the Preamble to these rules.

5. News and Current Affairs

5.1 A television news and current affairs service should take account of the following points:

- (a) Viewers should always be able to distinguish clearly and easily between factual reporting on the one hand, and comment, opinion and analysis on the other. This is particularly important where a change of approach, say from news to comment, occurs during the course of a programme:
- (b) News must be presented accurately, objectively and impartially:
- (c) The standards of integrity and reliability of news sources should be kept under constant review:
- (d) News should not be presented in such a way as to cause panic or unnecessary alarm or distress:
- (e) Children form a significant part of the early evening audience. This should be considered when deciding on the extent to which an item may be treated or illustrated in bulletins before 8.30pm:
- (f) Great care must be taken in the editing of programme material to ensure that the extracts used are a true reflection and not a distortion of the original event or the overall views expressed:
- (g) No set formula can be advanced for the allocation of time to interested parties on controversial public issues. Services should aim to present all significant sides in as fair a way as possible, and this can be done only by judging every case on its merits. That a particular person represents a majority or a minority faction should not have an over-riding effect on any decision on allocation of air-time. These decisions should be based on such considerations as the integrity of the person concerned, on previous allotments of air-time to all factions, and on the merit and news value of such a person's view:
- (h) No payment or other consideration may be accepted by a person or television service for the broadcasting of any news programme or news item.

6. **Political Programmes**

- 6.1 A political programme is one which presents a candidate for a seat in the House of Representatives or for local body or authority office; which presents views on such a candidate; which presents political views on issues of national or local importance and concern; which presents the policies or views of any political party.

- 6.2 "Election" means an election of a member of the House of Representatives whether at a general election or a by-election; or an election of a member of any local body or authority.
- 6.3 "Election Matter" means matter of any of the following kinds, namely —
- (a) Matter commenting on or soliciting votes for a candidate at an election:
 - (b) Matter commenting on or advocating support of an individual candidate or political party to which a candidate at an election belongs:
 - (c) Matter commenting on, stating, or indicating any of the issues being submitted to the electors at an election or any part of the policy of a candidate at an election or of the political party to which such a candidate belongs, and:
 - (d) Matter referring to meetings held or to be held in connection with an election.
- 6.4 "Election Period" means the period beginning on the day of the issue of the writ or writs for an election and ending at midnight on the day preceding the day of the poll.
- 6.5 If during an election period a service decides to allocate time to individual candidates, it shall:
- (a) In the case of the election of a candidate to the House of Representatives afford reasonable opportunities for such broadcasts to at least all political parties represented in the House of Representatives at its last sitting; and
 - (b) In the case of local body or authority elections afford equal opportunities for broadcasting to all candidates standing for the same office or the same body or authority.
- 6.6 A service shall not at any time between the end of an election period and the close of the poll on the day on which the election is held, broadcast election matter.
- 6.7 No payment or other consideration shall be accepted by a service for the time allocated for the broadcasting of any political programme or election matter. This rule does not apply to political advertisements.

- 6.8 Political programmes should be clearly identified by suitable announcements before and after such programmes, e.g. "That was a party political broadcast by Mr John Smith, Labour Party candidate for Auckland South;" or "That was a political broadcast by Mr William Brown, Independent candidate for Auckland South".
- 6.9 Services shall announce the names of participants in political programmes, including party affiliations where applicable.
- 6.10 During an election period services shall keep a record of the names and addresses of persons taking part in political programmes, and shall keep a recording of all such programmes in terms of Rule 8.2.
- 6.11 Time allocated free of charge to political parties or individual candidates shall be used for genuine electioneering material in the form of talks, speeches, interviews and discussions or other accepted television forms. No political programme shall be presented in such a way as to appear to be a news broadcast or advertisement or other regularly scheduled programme.

7. Religious Programmes

- 7.1 The function of religious television broadcasting in New Zealand is to cater for those particular religious needs of the people which can be satisfied by television programmes. In trying to meet these needs broadcasters should bear in mind that, while religious profession in New Zealand is still overwhelmingly Christian, there are many significant minority groups which may be catered for and that there is growing public interest in other great world religions.
- 7.2 Representatives of one religion are not permitted to denigrate the beliefs of another religion except in programmes designed for controversy and fair analysis.
- 7.3 No denomination or group should use its own free programme time to solicit gifts or funds for itself, or to sell literature or religious objects.

8. Programme Information

- 8.1 Warrant holders shall give the Tribunal and the Broadcasting Complaints Committee such information as it shall require from time to time on any particular programme or on programmes generally.
- 8.2 For a period of 14 days after broadcast, television services shall hold a sound recording of current affairs and news programmes, and all other local programmes of the magazine, interview and commentary type which involve free expression of opinion on matters of public interest and controversy. However, there may be occasions when a programme could not be properly evaluated by sound recording alone, and in such instances the videotape should be held. In all cases recordings are to be made available to the Tribunal and the Broadcasting Complaints Committee on written request.

9. Weather Forecasts and Reports

- 9.1 The New Zealand Meteorological Service is the sole source of official weather forecasts, and all bulletins shall be broadcast in such a way as not to change the terms of the forecast.
- 9.2 Unofficial weather forecasts should be identified as such.

10 Accidents and Disasters

- 10.1 When a major accident or disaster occurs services must take care to see that the timing and nature of their reports do not result in any disruption of essential services through crowd and traffic build-ups.

ADVERTISEMENT RULES

PREAMBLE

The general principle underlying all television advertising is that it should be legal, decent and truthful. The detailed rules lay down the minimum standards to be observed, and broadcasters are expected to follow the spirit as well as the letter of these rules.

Acts and Regulations which have a bearing on broadcast advertising are listed, with notes, in Appendix B.

Broadcasters should keep themselves informed of subsequent legislative changes which may amend or extend this list and observe the "Codes of Practice" issued by The Committee of Advertising Practice.

DEFINITIONS

"Advertising programme" means a programme or part of a programme intended to promote the interests of any person, or to promote any product or service for the commercial advantage of any person, and for which, in either case, payment is made, whether in money or otherwise.

(Broadcasting Act 1976)

"Sponsored material" means any matter (other than advertising programmes) which is not purchased by a television service or produced wholly at the cost of a service.

"Sponsor" means a person or organisation meeting the cost of sponsored material.

1. General Principles and Guidelines

- 1.1 Advertisements shall be clearly distinguishable from other programme material.
- 1.2 Advertisements, which are a form of programme material, must meet all standards and requirements laid down in the pro-

gramme rules.

- 1.3 Advertisements must conform to standards of good taste and decency.
- 1.4 Subliminal Advertising: No television advertisement may include any technical device which by using images of very brief duration or by any other means, exploits the possibility of conveying a message to or otherwise influencing the minds of members of an audience without their being aware or fully aware of what has been done.
- 1.5 No advertisement should be of a character to deliberately alarm the audience.
- 1.6 No advertisement may make for a product or service claims which cannot be substantiated.
- 1.7(1) Advertisements comparing products or services
 - (a) should be factual and informative;
 - (b) should, explicitly or by implication, make clear what comparison is being made;
 - (c) should not mislead the audience about other products or services with which comparisons might be made.
- 1.7(2) Notwithstanding Rule 1.7(1) advertisements should not attack or discredit other products, advertisers or advertisements directly or by implication.
- 1.8(1) Advertisements must not specifically refer to cigarettes, cigarette papers or cigarette tobacco. Advertisements must not mention the brand name of any such product except when that brand name is used for advertisements for products other than cigarettes, cigarette papers or cigarette tobacco. However, a retailer may indicate that he stocks such products provided there is no elaboration of the statement or reference to brand names.
- 1.8(2) Advertisements made by or on behalf of any cultural, recreational, sporting or community service organisation in respect of which an event or any part of it, conducted by or on behalf of the organisation is being sponsored by a manufacturer,

distributor or supplier of cigarettes, cigarette papers, or cigarette tobacco, may include reference to that sponsorship.

1.9 Medical advertisements shall comply with the Food Act 1981, the Medicines Act 1981 and the Medicines Regulations 1984 —see Appendix B.

1.10 Advertisements must not be presented in such a form as to appear to be a news item; the use of such a phrase or caption as "News Flash" is forbidden.

1.11.1 Advertisements made on behalf of a wholesale or retail point or points of sale and which refer to the availability of alcoholic liquor for sale for consumption on or off the advertisers premises may be broadcast if they meet the following requirements:

1.11.1(1) Advertisements must not use brand names of alcoholic liquor as such except to the extent that the brand name is incorporated in or identical with the name of the advertiser.

Note: A brand name is one which is the name of a particular wine, spirit or beer, etc., such as "Corbans Premier Cuvee", "Gilbeys Gin", "Leopard Lager"; or one which refers to a specific range of wines, spirits, beers, etc., from a particular vintner, manufacturer or distributor, such as "Corbans" wines, "Gilbeys" spirits, "Leopard" beers. There are some sale outlets which incorporate brand names in their title, e.g. Mission Vineyard, Montana Weinkeller, Lion Tavern, etc. These titles may be used in advertisements only in such a way that they refer clearly and consistently to the point of sale, and not to the brand of wine, etc.

1.11.1(2) No specific prices or descriptions of the qualities of any alcoholic liquor are included in the advertisement.

1.11.1(3) Such advertisements may include any of the following additional information in relation to the availability of alcoholic liquor:

(a) Description of the points of sale and the service. (Note for example, location, hours of sale, details of parking, delivery and type of sale (wholesale or retail)).

- (b) Description of the general range of alcoholic liquor available. (Note for example: "A full stock of New Zealand and overseas wines, New Zealand and imported spirits and cordials, and a wide range of beer in cans, bottles and flagons").

- 1.11.2 Advertisements other than those referred to in 1.11.1 made by or on behalf of any person or persons or body corporate who manufacture, distribute or sell alcoholic liquor, or whose name is associated with the manufacture, distribution or sale of alcoholic liquor, may be broadcast if they meet the following requirements:
 - 1.11.2(1) The advertisement does not make any reference to the availability of alcoholic liquor for sale.
 - 1.11.2(2) The advertisement does not include references to brand names of alcoholic liquor as such except to the extent that the brand name is incorporated in or identical with the name of the advertiser.
 - 1.11.2(3) No descriptions of the qualities of the alcoholic liquor manufactured, distributed or sold by the advertiser are included in the advertisement.
- 1.11.3 Advertisements made by or on behalf of any cultural recreational sporting or community service organisation:
 - Where an event, or any part of it, conducted by or on behalf of the organisation is being sponsored by a manufacturer, distributor or supplier of alcoholic liquor, advertisements referring to the event may include reference to that sponsorship.
- 1.11.4 The advertisement for alcohol must not be broadcast from licensed premises, whether wholesale or retail.
- 1.11.5 No advertisement may include reference to any lottery or competition which requires the purchase of liquor to participate.
- 1.11.6 Advertisements associated with alcohol must not be presented in association with or during programmes directed specifically at children or adolescents.

Note: For the purpose of this rule alcoholic liquor means any spirits, wine, ale, beer, porter, cider or perry or any other fermented or spirituous liquor, which on analysis is found to contain more than two parts percent proof spirit.

- 1.12 Any religious body, organisation, or cause, must be clearly identified in any advertisement.
- 1.13 **Vacant.**
- 1.14 Advertisements for individuals or organisations lending money or providing credit shall be limited to those on behalf of a recognised bank, insurance company, building society, friendly society, government department, recognised finance house and credit card organisation. However, this will not prohibit a trader in other commodities from publicising credit or financial facilities operated by him for the benefit of his own customers.
- 1.15 Financial investment advertisements shall be limited to those for trustee investment stocks or similar approved securities such as unit trusts. Advertisements may be accepted on behalf of the Stock Exchange.
- 1.16 Advertisements announcing the availability of prospectuses may be broadcast provided in every case they state the name of the company, places where the prospectuses may be seen and obtained, and the amount of share or debenture issue involved. Advertisements must state an address (not a postal box or telephone number) to which enquiries may be directed.
- 1.17.1 Industrial relations advertising is permissible but will not:
- (a) include material which denigrates any other party to a dispute;
 - (b) imitate in any way an existing programme, format or any identifiable personality.
- 1.17.2 The advertisement must include a statement setting out the true name of the person for whom or at whose direction it is published.
- 1.18.1 Political advertising is permissible but will not —

- (a) include material which denigrates any other candidate or party or policy;
- (b) imitate in any way an existing programme, format or any identifiable personality.

- 1.18.2
- (a) The advertisement must include a statement setting out the true name of the person for whom or at whose direction it is published and the address of his/her place of residence or business.
 - (b) Advertisements for candidates must be authorised in writing by the candidate or, in the case of an advertisement relating to more than one candidate, the candidate or the party to which they belong.

For the purposes of this rule, the word 'political' shall refer to national politics and to local body and public body affairs. Warrant holders shall keep a transcript or tape of all political advertisements for two months after the date of broadcast.

NOTE: Failure to observe requirements 1.18.2 (a) and (b) in respect of Parliamentary elections also constitutes an offence under the Electoral Act.

2. **Standards of Practice**

- 2.1 The warrant holder has the final responsibility for the nature of any programme material broadcast adjacent to or in proximity to any advertisement.
- 2.2 Advertising and children:
- (a) Advertisements must not be framed in such a way as to take advantage of the natural credulity of children.
 - (b) Children should not be urged in advertisements to ask their parents to buy particular products for them.
 - (c) No advertisement should suggest to a child that he will be in any way inferior through not owning the advertised product.
 - (d) Vacant.
 - (e) Advertisements for cinema films must comply with the Corporation's requirements to meet its censorship classifications.

3. Advertisements on Television

- 3.1 Television services may broadcast advertisements only on the days specified in the warrants held by the Corporation.
- 3.2 Advertisements shall not be broadcast on Christmas Day and Good Friday or before 1pm on Anzac Day.
- 3.3 If deprived of an advertising day by the rule prohibiting advertising on Christmas Day and Good Friday, that service may, in compensation, schedule advertisements on a non-advertising day.
- 3.4 When live coverage of an overseas event of national interest is carried in the early morning hours it may continue to carry advertising from midnight until the end of the broadcast of that event.

4. Sponsorship

- 4.1 Sponsored material may be broadcast by a television service provided that it does not relinquish editorial rights or control over the extent and presentation of such material, and provided that the association of a sponsor with a programme is acknowledged in the programme credits.
- 4.2 A company name may be referred to in a broadcast where it is part of the recognised title of sporting or other public events which are sponsored.

5. Advertising Content

- 5.1 The total amount of time given to advertisements shall not exceed nine minutes per hour averaged over a day's programmes.
- 5.2 In any two hour period there shall not be more than 20 minutes of advertising time.
- 5.3 A calculation of advertising time does not include a programme transmitted for a specialist group or groups outside scheduled hours and which is not intended for reception by the general public.

APPENDIX A

THE PORTRAYAL OF VIOLENCE

Violence is a constant element in society and as a natural consequence appears in a variety of forms in radio and television programmes. Broadcasters recognise that real life violence is a serious obstacle to the peaceful functioning of any society and accordingly they acknowledge the need for care and skill in deciding what part it may be allowed to play in programmes.

The use of violence in any programme should aim to sharpen not to blunt human sensitivities and its inclusion can only be justified by the dramatic context in which it is seen, and the skill, insight and sensitivity of its depiction.

1. The Young and the Vulnerable

Scenes which may unsettle children need special care. Insecurity is less tolerable for a child — particularly an emotionally unstable child — than for an older person. Violence, menace and threats can take many forms — emotional, physical and verbal. Scenes of domestic friction or sequences in which children are humiliated or badly treated can easily cause fear and insecurity.

2. Programmes other than News and Current Affairs

Dramatic truth may occasionally require the portrayal of a sadistic character, but there can be no defence of violence, included solely for its own sake, or of the gratuitous exploitation of sadistic or other perverted practices. Ingenious and unfamiliar methods of inflicting pain or injury — particularly if capable of easy imitation — should not be shown without the most careful consideration.

3. News and Information Programmes

The representation of violence in news and information programmes should be strictly in accordance with the importance of the event and to the degree essential to the integrity and completeness of the item

4. **Programme Scheduling**

People seldom view just one programme and it should be recognised that unless some care is taken, an acceptable level of violence in each individual programme could add up to an intolerable level over a whole evening's viewing.

The time of screening is an important consideration in the scheduling of programmes which contain violence.

5. **Programme Trailers**

Trailers which promote programmes containing some violent material should be chosen responsibly and incidents used should not be uncharacteristic of the programme as a whole. Attention should be paid to the likely composition of the audience at the times trailers are presented.

APPENDIX B

LEGAL OBLIGATIONS

The following synopses indicate the requirements of some of the Acts and Regulations which have an application to advertising over television stations. For full details reference should be made to the Acts or Regulations concerned or advice sought from legal staff.

ANIMAL REMEDIES ACT 1967, requires that all advertisements for animal remedies be approved by the Animal Remedies Board; and that no reference (other than a reference to the licence number) shall be made in any advertisement which implies the approval of the animal remedy by the Board, the Registrar of Animal Remedies, or the Department of Agriculture (s 41).

CODE FOR THE REPRODUCTION OF BANKNOTE IMAGES

- 1 In terms of Section 24 of the Reserve Bank of New Zealand Act 1964, the Reserve Bank will normally authorise the reproduction of all or part of a banknote, or banknotes, where:—
 - (i) the reproduction is for the purposes of either:
 - (a) advertising goods, services, or events and not the banknote itself; or
 - (b) highlighting statistical analyses, performance charts and the like in reports on financial matters.and
 - (ii) the reproduction is not in a voucher form (i.e. depicted face-on and flat) regardless of size, or in a form that could be further reproduced, adjusted for size and passed as a voucher, or part of a voucher (whether the voucher is overprinted with other matter or not).
2. Thus, for example, images depicting a montage of crumpled notes, or a handful of notes, or notes on an oblique angle, could be considered for approval. Vouchers resembling banknotes which are intended as gimmicks for discounts etc would not be authorised.
3. The Reserve Bank has emphasised that prior consultation is required for each and every case and should be undertaken at an early stage of preparation. Failure to do so may cause unnecessary expense in alterations to designs and delay in meeting publication deadlines. The Bank remains the sole arbiter of what is, or is not, acceptable.

4. The provisions of the Reserve Bank of New Zealand Act apply to all advertising media. In the case of television and screen commercials which are to include banknote images, full details of what is proposed should be discussed in advance with the Reserve Bank. Consent would not be given to projects which are considered by the Bank to lower the dignity or prestige of the currency, or which would depict such activities as burning, tearing, or otherwise mutilating a banknote.

COMMERCIAL USE OF ROYAL IMAGES, The Department of Internal Affairs is in the process of introducing new rules based closely on the United Kingdom rules and intends to publish them in the New Zealand Gazette. The Department has advised that for practical purposes it is not using the Commercial Use of Royal Photograph Rules 1962 which are outdated.

The UK rules, prepared by the Lord Chamberlain's Office provide:

"Except when advertising a book, newspaper, magazine article or a television documentary about a Member of the Royal Family, Royal images may not be used for advertising purposes in any medium.

A firm's advertisement may not include photographs of Members of the Royal Family visiting their works or exhibition stands or being publicly involved with their products. Publication of firm or photographs of such visits may, however, be used for House Journals or for specifically in-house purposes."

CONSUMER COUNCIL ACT 1966, renders everyone liable to a fine who publishes an advertisement stating that the Consumer Council has approved goods (s 36).

COPYRIGHT ACT 1962, prevents the unauthorised broadcast of copyright material.

CREDIT CONTRACTS ACT 1981, requires advertisers to include certain financial information in advertisements notifying availability of credit and prohibits the inclusion of misleading information in relation to the provision of credit (ss 35—37). These obligations are placed on the advertiser, not the broadcasting station.

ELECTORAL ACT 1956, requires that advertisements for the election of a candidate must be authorised in writing by the candidate or if the advertisement relates to more than one candidate, by the candidates or party and that the advertisement must contain a statement setting out the

name of the person for whom or at whose direction it is published and his address (s 147A).

On polling day no statement (including advertisement) having direct or indirect reference to the poll may be made on television apparatus before the close of the poll.

FAIR TRADING ACT 1986 came into force on 1 March 1987 and places a much higher standard of responsibility on suppliers of products or services than previously. The Act specifically prohibits the making of false representations about goods, services, land and employment opportunities. It also prohibits misleading or deceptive conduct in trade, which includes conduct in relation to the promotion and marketing of goods and services. The Act is aimed primarily at the trader but liability is extended to the media. The Act creates new civil remedies and establishes heavy penalties for criminal offences created by the Act. The Commerce Commission or anybody else can bring prosecutions under the Act or commence civil proceedings under it.

FILMS ACT 1983 AND FILMS REGULATIONS 1984 provide that any films advertising including clips and trailers of cinema films may require the Chief Censor's approval. The regulations are specific about the wording for the Chief Censor's classifications and the position where they are to come in any advertisement. There is a requirement that the Censor's certificate classification be displayed for five seconds.

FOOD ACT 1981 applies to food, drink, drugs, tobacco, cosmetics and detergents including soaps. It is an offence to publish an advertisement which:

- (a) Qualifies or is contrary to any particulars required by regulations to be marked on the package or container of the product.
- (b) Refers to anything which is prohibited by regulations from being marked on or attached to the package or container.
- (c) Omits from the name or description any words required to be included in the name or description.
- (d) Fails to make any statement required by regulations to be made.
- (e) Makes any statement prohibited by regulations from being made.
- (f) Is false or is likely to mislead any person with regard to the nature, quality, strength, purity, composition, origin, age, uses or effects of the product or any constituent of it.

If the advertisement is shown on television any words required to be included in the advertisement must be exposed in clearly legible lettering for a length of time sufficient to enable them to be read by the ordinary viewer.

GAMING AND LOTTERIES ACT 1977, prohibits the advertising of illegal games of chance, prize competitions, lotteries and other schemes. Entry to a competition may be by way of purchase of goods, but the result must be determined by an element of skill.

A prize competition or lottery disposing of any of the following property or classes of property would be deemed to be illegal: Firearms, Ammunition, Liquor as defined in the Sale of Liquor Act 1962, Land not zoned as residential (Gazette Notice November 1980).

HIRE PURCHASE ACT 1971, provides that if an advertisement for goods available for sale on hire purchase states the deposit payable, it must also state the full cash price.

HUMAN RIGHTS COMMISSION ACT 1977, makes it unlawful to publish an advertisement which indicates or could reasonably be understood as indicating an intention to commit a breach of its provisions relating to discrimination.

MEDICINES ACT 1981 defines medicine as being any substance (except a medical device) which is sold or supplied wholly or principally for administering to humans for a therapeutic purpose, or for use as an ingredient in the preparation of any such substance for use in hospitals surgeries etc. It does not include dental fillings, bandages and animal foods or remedies.

Medical device is defined as any device or component part used principally for therapeutic purposes, and includes bandages.

Related product means any cosmetic, dentifrice or food for which a claim is made that the substance or article is effective for a therapeutic purpose (eg anti-acne creams, laxatives) but which do not go so far as being medicines.

Therapeutic purpose is defined as meaning the treating or preventing disease; diagnosing disease or ascertaining the existence of a physiological condition; effecting contraception; anaesthetics; and altering shape, size, structure, weight of the body (eg diet pills, padded bras); otherwise preventing or interfering with normal operation of a physiological function; and cleaning soaking or lubricating contact lenses.

MEDICINES REGULATIONS 1984, contain certain restrictions on advertising which may be summarised as follows:

- (a) No advertisement relating to any medicine, related product or medical device shall contain a statement to the effect that the advertisement or any claim of statement made in it has been approved by any health official or any committee.
- (b) Every advertisement for a medicine (except a label or price list) shall include statements concerning the quantities of the active ingredients; the authorised uses; appropriate precautions to be taken in its use; and the known or likely poisonous effects of, or adverse reactions to the medicine.
- (c) Every advertisement for any prescription, restricted or pharmacy-only medicine shall include, conspicuously printed or clearly spoken the words "Prescription Medicine" or "Restricted Medicine" or "Pharmacy-Only Medicine". The different types are defined in the Schedule to the Regulations.
- (d) Every advertisement for a related product shall include a statement of its uses.
- (e) Where an active ingredient is referred to, its appropriate designation (ie its common or non-proprietary name or synonym) shall be included.
- (f) Medical devices advertising is to include an accurate description and statements of uses, precautions and contra-indications to their use.
- (g) Advertisements intended for doctors, pharmacists and dentists are covered by a number of restrictions and requirements.

MOTOR VEHICLE DEALERS ACT 1975, requires that any person trading in motor vehicles shall hold a licence to do so and shall include in all advertising material his name, an indication that he is licensed (which may be shown by the letters "MVDI") and the name and style under which the business is conducted, if the business is not carried on in his own name.

PESTICIDES ACT 1979, requires that:

1. No reference shall be made in any advertisement of a pesticide to the registration of the pesticide, except a statement that it has been registered under this Act.
2. Where the pesticide has been registered for restricted uses, every advertisement of the pesticide shall contain a statement to that effect and such other statement as the Pesticide Board may direct.
3. No advertisement shall be made for a pesticide the use of which is for the time being subject to an experimental use permit.
4. Where the Pesticide Board is satisfied that any advertisement in respect of any pesticide contains any inaccurate or misleading statement, it may direct any proprietor or vendor responsible for the advertisement to omit or modify the statement in such manner as the Board may direct (s 40).

RACE RELATIONS ACT 1971, provides that it is unlawful to publish an advertisement which indicates or could reasonably be understood as indicating an intention to commit an act of discrimination against persons because of their colour, race or ethnic or national origins (s 7).

RENT APPEAL ACT, provides that it is an offence to indicate an intention in an advertisement not to let a dwelling house to any person if it is intended that a child will live in the dwellinghouse.

REAL ESTATE AGENTS ACT 1976, requires that any person carrying on a business as a real estate agent, shall hold a licence to do so and shall show on all advertisements his name and the fact that he is licensed (which may be shown by the letters MREINZ) together with the name or style under which the business is conducted if the business is not conducted in his own name.

RESERVE BANK OF NEW ZEALAND ACT 1964, makes it an offence to publish in an advertisement or otherwise anything resembling the whole or any part of a bank note (s 24).

SECURITIES ACT 1978, stipulates that no security may be offered to the public for subscription unless the offer is made in, or accompanied by a prospectus, or unless the offer is made in an authorised advertisement (s 33).

An authorised advertisement is one that

- (a) Refers to a prospectus that relates to all securities and that is registered under the Act, and states the date of registration thereof; and
- (b) States that allotments of the securities shall be made only on receipt of a form of application forming part of, or issued with a copy of the prospectus; and
- (c) Specifies the place or places at which copies of the prospectus may be obtained or contains a coupon or coupons to be completed by any person who wishes to be sent a prospectus, or both; and
- (d) Contains no other information or matter, except information on matters of a kind specified in regulations made under the Act; and
- (e) Does not appear in association with any other advertisement that relates to the securities and that contains any information or matter not specified in paragraphs (a) to (d) (s 33).

SECURITIES AMENDMENT ACT 1982 refers to any advertisement for the investment of money and sets out the conditions any advertisement must contain. These include the name of the issuer; a description of the securities (eg, debenture over X company's stock); rates of interest; total number of securities; intended use of subscription (eg, hospital building loan); terms of offer (eg, years).

A certificate of compliance with the Act to be signed by a director of the advertising company may be required.

STOCK FOODS ACT 1946, provides that a seller commits an offence if he causes to be published an advertisement containing a false or misleading statement purporting to indicate the nature, quality, purity, or composition of stock food if the statement would be materially prejudicial to a purchaser. "Stock" includes dogs, cats, rabbits and deer.

SUMMARY OFFENCES ACT 1981, makes it an offence to publish an advertisement which

- (a) Offers a reward and seeks the return of lost or stolen property on a no questions asked basis, or
- (b) Offers to refund to any person who may have bought lost or stolen property the amount paid for it, or the amount raised on the property by way of a loan on its security or to refund any other sum or reward paid for the return of the property.

TOXIC SUBSTANCES ACT 1979, makes it an offence to publish an advertisement relating to a toxic substance (which includes any poison, insecticide, fungicide, pesticide, herbicide and any other substance including tobacco which is injurious to health but excludes restricted or controlled drugs) which

- (a) Fails to make any statement required by regulations, in any advertisement in respect of that substance.
- (b) Makes any statement prohibited by any such regulations; or
- (c) Directly or by implication qualifies, or is contrary to, any statement or other particulars required by any such regulations to be included in any advertisement, or to be included in any label borne on the substance; or
- (d) Directly or by implication states or suggests that the substance is not poisonous or is harmless; or
- (e) Is of a size that contravenes or does not comply with the requirements of any such regulations; or
- (f) Includes any lettering that is of a size that contravenes or does not comply with the requirements of any such regulations; or
- (g) Is published in a medium that is prohibited in respect of such advertisements by any such regulations.

TOXIC SUBSTANCES REGULATIONS 1983, provide that an advertisement for a toxic substance may not suggest it is fit for human consumption (Reg 8).

Advertisements for toxic substances must contain warnings in clearly legible lettering for a length of time sufficient to allow the ordinary viewer to

read and understand them:

Deadly poisons: "Deadly Poison. Available to authorised persons only".

Dangerous poisons: "Dangerous Poison. Available to authorised persons only".

Standard poisons: "Poison. Keep out of reach of children".

Harmful substances: "Caution. Harmful substance. Keep out of reach of children". (Regs 9 to 13)



